

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEVEN W TAFOYA,

Plaintiff,

v.

SUSAN I BAUR,

Defendant.

CASE NO. C13-5708 BHS-JRC

REPORT AND RECOMMENDATION

NOTED FOR:
DECEMBER 20, 2013

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

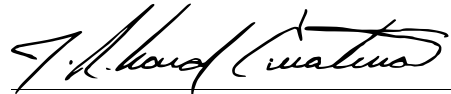
The postal service returned mail that the Court sent to plaintiff on September 9, 2013 (ECF No. 8). Plaintiff is no longer at the jail (ECF No. 10). It has been over sixty days since the Court had a valid address for plaintiff. Local Rule 41(b)(2) states:

A party proceeding pro se shall keep the court and opposing parties advised as to his or her current mailing address and, if electronically filing or receiving notices electronically, his or her current email address. If mail directed to a pro se plaintiff by the clerk is returned by the Postal Service, or if email is returned by the internet service provider, and if such plaintiff fails to notify the court and

1 opposing parties within 60 days thereafter of his or her current mailing or email
2 address, the court may dismiss the action without prejudice for failure to
prosecute.

3 Pursuant to Local Rule 41(b)(2) the Court recommends dismissal of this action without
4 prejudice for failure to prosecute. Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b),
5 the parties shall have fourteen (14) days from service of this Report to file written objections.
6 *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for
7 purposes of de novo review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C).
8 Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the
9 matter for consideration on December 20, 2013, as noted in the caption.

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11 Dated this 18th day of November, 2013.

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14 J. Richard Creatura
United States Magistrate Judge
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